



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,741	03/07/2002	Fernando R. Masas	135/0001	2877

7590 03/13/2003

Thomas A. Gallagher, Esq.
65 Woods End Road
Stamford, CT 06905

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,741

Applicant(s)

MASAS, FERNANDO R.

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the first office action for U.S. Application 10/092,741 for Methods and Apparatus for Suspending Fixtures filed by Fernando R. Masas on March 7, 2002.

Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose an apparatus for suspending a fixture in conjunction with a wire, wherein the apparatus is an angle bracket with a first and second flange, the first flange has a hole for receiving a fastener and the second flange has a structure including a hook adapted to receive a wire and an eyelet, whereby the structure is crimpable upon the end of the wire, and whereby the eyelet has a crimpable portion adapted to receive the end of the wire.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be

Art Unit: 3632

submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "700" and "800" have both been used to designate the testing tool. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 412. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Page 13, lines 1-3 refer to the testing tool 700 shown in Figure 13. The testing tool is 800 and is shown in Figure 16. The "13" on lines 1 and 3 should be deleted and replaced with - - 16 - -. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP

Art Unit: 3632

§ 608.01(o). Correction of the following is required: In Claim 9, Applicant claims a second flange including a plurality of second flanges. There is not description in the specification of a second flange that has a plurality of second flanges. It is assumed that Applicant is referring to sides 508 and 510 as flanges and the claim is being examined as best understood.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "cylinder" in claim 7 is used by the claim to mean "a partially open loop," while the accepted meaning is "a closed, circular object with a length greater than its diameter." Claim 7 is being examined as a cylinder as defined by Applicant, although technically, Applicant's structure is not a cylinder.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3632

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,672,314 to Mitchell. Mitchell discloses an apparatus for suspending a fixture in conjunction with a wire. There is an angle bracket with a first flange (13b) and a second flange (22). The first flange has a hole (28) adapted to receive a fastener and the second flange has a structure in the form of a cylindrical slotted loop (20b), adapted to receive the end of a wire. The loop is crimpable upon the end of a wire to secure the wire to the second flange and there is a third flange (23) with a structure (20c) that is adapted to receive an end of the wire and is crimpable upon the end of the wire to secure the wire to the second flange. The bracket is attached to a surface with a fastener and the other end of the wire is attached to a fixture.

Claims 1-4, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 1,585,840 to Fahnestock. Fahnestock discloses an apparatus for suspending a fixture in conjunction with a wire with an angle bracket that has a first (8) and second flange (9) with a plurality of flanges (10 for each part 12). The first flange has a hole to receive a fastener and the second flange has a structure with a plurality of alternating loops (13) that is crimpable around the wire. The structure includes a tongue (14) and the tongue cooperates with the portions (12 and 13) to define a wire-receiving hole.

Art Unit: 3632

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell. Mitchell does not specifically disclose a method of suspending a fixture from a surface wherein the angle bracket and fastener are obtained simultaneously. However, it would have been obvious to one of ordinary skill in the art at the time of the present invention to have obtained the bracket and fastener at the same time to pre-fit the fastener and hole in the bracket.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of U.S. Patent 4,924,709 to Plyter. Mitchell does not disclose a kit containing its parts or a crimping tool. Plyter discloses a testing tool with a crimp-type connector for testing elongated members. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a testing apparatus with the components taught by Mitchell for the purpose of testing the elongated cable. It also would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a kit for the individual components of the apparatus.

Art Unit: 3632

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,351,920 to Decky et al.

U.S. Patent 4,673,151 to Pelz

U.S. Patent 5,149,026 to Allen

U.S. Patent 6,216,320 B1 to Schauermann

U.S. Patent 5,067,677 to Miceli

U.S. Patent 6,477,770 B1 to Dickens

U.S. Patent 466,932 to Cornell

U.S. Patent 1,753,013 to Lindmark

U.S. Patent 2,761,714 to Cuskie

U.S. Patent 5,346,166 to Valiulis

U.S. Patent 6,382,569 B1 to Schattner et al.

U.S. Patent 5,184,792 to Bernhard et al.

The above patents all disclose various types of cable supports.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose

Art Unit: 3632

telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.



Steven Marsh

March 5, 2003



ANITA KING
PRIMARY EXAMINER